Criminal Revision No.236 of 1993.

IN THE HIGH COURT FOR THE STATES OF PUNJAB & HARYANA AT CHANDIGARH

...

Date of Decision November 14, 2007.

Gurmel Singh **...** Petitioner

VERSUS

State of Punjab **...**Respondent

1. Whether the Reporters of Local Newspapers may be allowed to see the judgment ?

2. To be referred to the Reporters or not ?

3. Whether the judgment should be reported in the Digest ?

CORAM :

HON'BLE MR. JUSTICE MOHINDER PAL.

Present: Mr.Vivek Goyal, Advocate,
for the petitioner.

Mr. P.S. Garewal, Assistant Advocate General, Punjab.

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MOHINDER PAL, J.

This revision petition has been filed by Gurmel Singh (petitioner) against the judgment dated March 26, 1993, passed by the learned Additional Sessions Judge, Patiala, dismissing his

appeal against the judgment and sentence order dated April 16, 1991, passed by the Judicial Magistrate Ist Class, Rajpura, convicting the petitioner for the offence punishable under Section 61 (1) (a) of the Punjab Excise Act, 1914 and sentencing him to undergo rigorous imprisonment for six months and to pay a fine of Rs.1,000/- and in default of payment of fine to undergo further rigorous imprisonment for three months.

2. Learned counsel for the petitioner has not advanced any arguments on the merits of the case. He pleaded that lenient view may be taken regarding sentence.

3. The allegation against the petitioner is that on October 26, 1989, he was found carrying a gunny bag. On suspicion, he was intercepted by the police. Upon his search, a Can, containing illicit liquor, which was concealed in the gunny bag, was recovered. On measurement, it was found that the Can contained 40 bottles of illicit liquor. The petitioner was arrested. As mentioned above, he was convicted and sentenced by the trial Court on April 16, 1991. His appeal was dismissed by the lower appellate Court on March 26, 1993. As per custody certificate which has been taken on record today, the petitioner has already undergone sentence for a period of one month and two days. He is not a previous convict. The petitioner was 26 years of age at the time of commission of offence. The recovery was effected on October 26, 1989. Nothing has been brought on record to show that the petitioner was ever found involved in such like offence again. Under such circumstances, I am of the view that the ends of justice will be

adequately met if the petitioner is ordered to be released on probation. Accordingly, instead of sending the petitioner to jail again, he is ordered to be released on probation for a period of one year. He should furnish personal bond in the sum of Rs.20.000/- with one surety of the like amount to the satisfaction of the Chief Judicial Magistrate, Patiala, undertaking to appear and receive sentence when called upon to do so during this period and, in the meantime, to keep peace and be of good behaviour. The said bonds will be furnished within a period of two months of the receipt of a copy of this order. Needless to say, if the petitioner fails to do so, this revision petition shall be deemed to have been dismissed.

4. The impugned sentence order stands modified to the extent indicated above.

5. This revision petition stands disposed of accordingly.

November 14, 2007. **(MOHINDER PAL)**
ak **JUDGE**